

September 13, 2021

Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
Advanced Methods to Target and Eliminate Unlawful Robocalls
EB Docket No. 17-59

Dear Ms. Dortch:

On September 10, 2021, the undersigned met by phone with Patrick Webre, Mark Stone, Kristi Thornton, Jerusha Burnett, and Aaron Garza of the Commission's Consumer and Governmental Affairs Bureau to discuss USTelecom's pending Petition for Reconsideration and Request for Clarification ("Petition") in the above-referenced proceeding.¹ Consistent with USTelecom's prior advocacy, I reiterated that the best and only viable way to achieve blocking notification in the short and medium term is to rely on SIP Code 603.² While SIP Code 603 is used for other forms of call decline at times, I suggested that rudimentary analysis will show the difference between analytics-based blocking, which will present as a pattern, and other more ad hoc call declines, which will not. Should the Commission move forward with revising its rule to require SIP Code 603, USTelecom and its members are committed to continuing to work with the calling community to develop guidance and resources to help callers distinguish analytics-based blocking from any other SIP Code 603 responses they may receive. To that end, some providers already are planning to include with a SIP Code 603 response information that indicates a given call was blocked based on analytics, and potentially by whom.³

Ultimately, the Commission should consider the blocking notification requirement in context. Only a small percentage of calls blocked by voice service providers are from legal callers. SIP Code 603 is a pragmatic solution that gets callers actionable information in those limited instances, and contrasts to alternative approaches that would require substantial time and resources to develop, configure, and deploy. The Commission cannot reasonably require

¹ Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association, CG Docket No. 17-59 (filed May 6, 2021) ("Petition").

² See Notice of Ex Parte Presentation of USTelecom – The Broadband Association, CG Docket No. 17-59 (filed July 23, 2021) ("USTelecom July 23, 2021 Ex Parte").

³ Because of differences among vendors and equipment deployed in the field, not all providers can readily provide this information with SIP Code 603, nor will providers necessarily be able to use the same fields to do so even after system upgrades. The Commission therefore should not require providers to include this information with the SIP Code 603 return, but rather encourage the industry to continue to explore ways to enhance notification as necessary to meet callers' needs.

providers to divert resources from their call blocking programs that collectively block millions of illegal calls as part of providing callers notification when a more sensible alternative exists.⁴

I also reiterated that the other aspects of the Petition benefit callers, are consistent with the *Fourth Report and Order*, and are commonsense good public policy.⁵ Specifically, I explained that the Commission should confirm that voice service providers only are required and expected to provide notification when calls are blocked based on analytics programs, and not, for example, when they block calls pursuant to Do Not Originate lists or subscriber-initiated lists or criteria. In addition, providers only should be required to include in blocked call lists those calls blocked based on opt-in or opt-out analytic programs. Finally, the Commission should confirm that voice service providers serving enterprises and other organizations have the flexibility to work with those customers to determine the best approach to notification on a case-by-case basis.

Please contact the undersigned if you have any questions.

Sincerely,

/s/ Joshua M. Bercu/

Joshua M. Bercu

Vice President, Policy & Advocacy, USTelecom

cc: Patrick Webre
Mark Stone
Kristi Thornton
Jerusha Burnett
Aaron Garza

⁴ The Commission, however, should leave some flexibility for appropriate response codes that are still in development through the industry standards bodies, allowing further refinement to notification as need in the future. See USTelecom July 23, 2021 Ex Parte at 2.

⁵ See *id.* at 2-3.